

The regular meeting of the Town Assembly of the Village of Arden<sup>109</sup> was held on March 25, 1985, Chairman William Press presiding.

In attendance were:

Beatrice Jaffe	Yvonne King	Bruce Sheiker
Greg Condiff	Lee Starr	Zona Lindsay (NV)
Miklos T. Lazar	Susan W. Rohrbach	Cy Liberman
Sarah S. Hamburger	Edward Rohrbach	Bunni Hurlong
Harvey H. Neal	Carolyn Melody	Don Berman
Helen Macklem	Marie Dugan (NV)	Alton Dahl
Beverly J. Wik (NV)	Frank Akutowicz	David Warner
Pat Liberman	Bill Press	Susan Warner
Sarah R. Moore	A. Barnes King	Gonnee McKinney
Rae Gerstine	Marjorie Roberts	John Grimaldi
Tim Moore	Houston Roberts	Jean K. Brachman
Nancy Badner	Tim McCarthy	Barbara S. Fenske
Jim Badner	Victoria McCarthy	Alida Fish
David Ewing	Ruth Estes	Sue Drury
Paul Thompson	Eugene Shaw	Jimmie McCarty
Charles Salkeld	Sally Thurston	Bob Wynn (NV)
Dan Szurgyjlo	William Bailey	Maryellen Jobson
Jim Semenick	R. J. Hubner	Larry Walker
Patricia Press	Mary Irons	Cecelia Vore
Stephanie Enie	Ruth Holcomb	Leon Tanzer
Ronald B. Enie	Don Holcomb	Mary Brent Whipple
Vera N. Berk	Rowena Austin	Jim Schwaber
Ed Anderson (NV)	Helen Vinson	Beverly Barnett
Diane Anderson (NV)	Elizabeth Varley Walker	Mason Morgan
William Lacombe (NV)	Shaul Gladstone	Mary Trench
Woodrow Vandever	Aaron Hamburger	Bill Theis
John Hewlett	Joan W. Colgan	Debbie Theis
Gail Rinehart	Lanier Colgan	Ann Morgan
June Kleban	Thomas E. Colgan	Sam Starr
Bernard Brachman	Al Marks	Ralph Luker
John Berk	David S. Marks	Michael Curtis

The regular order of business was suspended for the presentation by the Claymont Fire Co. represented by Ed Anderson and Bill Lacombe.

A new \$35,000 ambulance was put into service in December, 1984. Since January, 1985, the company has responded to 200 fire alarms and 350 ambulance calls. They plan an open house at the sub-station at Marsh and Naamans on April 13. They will display new equipment, demonstrate home fire extinguishers and residential sprinkler systems, and have blood pressure screening. The company has hired Robert Felton as an accountant and financial advisor to oversee their \$260,000 budget. The company is open for membership.

Residents expressed concern about Arden's fire safety due to the company's internal friction. We feel the lack of a fully functioning sub-station at Marsh and Naamans slows down our service.

Claymont responded that the sub-station has two class A pumpers and answers all life threatening calls west of the B & O railroad. They sent a letter to all volunteers who left inviting them to return and assuring them reinstatement after a one-year probationary period. The offer was refused.

Please call the Chief and President of Claymont Fire Co. at any time.

Minutes of the January meeting were approved as read.



Communications: Letter from the Hanby Corners Fire Association was read. They will make a presentation to the June Town Assembly.

Regular order of business was again suspended for the purpose of voting for town committees. Yvonne King was nominated from the floor to run for the Safety Committee.

#### COMMITTEE REPORTS

##### Trustees - Cy Liberman

We have several items tonight and we are going to ask the town meeting's opinion on two of them. The first of these is the question of whether the so-called "campfire lane" next to or on Lot #80 should be retained as it is, narrowed to a pedestrian path, or made a part of Lot #80, as it used to be. The history of this path will be explained in a handout to be distributed when the meeting discusses this question under old business. For the present I would like to explain that this issue was raised by Sally Thurston and Bill Bailey who were interested in buying the Herzog house on Lot #80. They have since withdrawn their interest in the house, but the question remains because Mrs. Herzog, the owner, needs the answer.

Second, the Trustees have been asked by the Board of Assessors to publish the rent list. We ask for the guidance of the meeting in a vote tonight. This will come up under new business.

The most important and disturbing item we have to report on is the impact of the county reassessment. I hope you have all read in the papers that the reassessment recommended by Property Systems Co., the firm working for the county, would boost Arden's tax cost 27% even without any tax increases by the county and the school district.

The Trustees have been making a computer-assisted analysis of the reassessment figures with the help of Mr. Hoffman, Mr. Hamburger and Mr. Dahl. In that work we have compared the new valuations with recent sales of Arden houses. Our conclusions are that the old assessments in some cases were unrealistically low; that the prices for Arden houses during the last few years have boosted some Arden values in a way that can't be challenged; but that there are nonetheless some figures in the reassessment that we will attempt to have lowered. We have requested a meeting with Property Systems to discuss our land valuation and the valuations placed on 19 houses.

We hope to obtain some relief, but we still expect to end up with a substantially increased tax bill. We expect the reassessment itself will be expensive to Arden and also that both the county and the school district will increase taxes this year. A very rough estimate of the cost of all this in our tax bill is \$30,000.. Fortunately, because of our reserve, we will have the money to pay the bill in September, but it will mean using up perhaps three-quarters of our reserve. Just to pay the taxes the following year our land rents will have to be raised an estimated 20% - again a rough estimate - and that would not include any restoration of the reserve. It's a dismal picture.

Moving on to this year's rent collections, since this is the first day of the new fiscal year, we are pleased to report the land rent is coming in very well so far.

You have a copy of the financial summary showing we are in a healthy condition for the present.

Advisory - Alton Dahl



The committee will offer a motion under new business.

Audit - Alton Dahl. No Report

Assessors - Bill Press

The committee is concerned about the new tax figures as presented by the Trustees.

Budget - No Report

Buzz Ware Village Center - Susan Rohrbach

The BWVC heating system is in need of repair or replacement. Two out of the five piping systems are not in proper working order. Such repairs are a major expense and come under the terms of the Village Center's maintenance agreement with the Wilmington Montessori Assoc. At this time the Village Center's maintenance fund contains slightly under \$10,000.

The committee hopes such repairs will cost less than this amount, but the possibility remains that the costs will be much more. This committee, through this report, is advising the town assembly of this condition and will come before the town if and when additional funds are needed. This committee is making a complete study of the matter and will reach a decision as soon as possible.

Possible damage was done to the main hall floor of the Village Center. Cause of this damage is suspected to be related to the faulty hearing system. On March 25, 1985, Larry Walker, WMA's maintenance representative, upon inspection assured this committee the damage was minor, easily fixed, and no longer exists.

#### Discussion:

Is the heating problem an emergency situation? The committee said no, there is no lack of heat in classrooms, only in the room #4 meeting room and the teachers' bathroom. Marie Dugan, WMA Administrator, said that the two rooms without heat, rooms #1 and #4, are used daily by children.

The town is contractually responsible for providing heat in the building. We do not have enough information to act on the problem tonight. We need to evaluate the problem, solicit bids, and find a solution promptly. If extra town funds are needed we may have to call a special referendum.

Connee McKinney, ACRA president, asked that repair work be scheduled so as not to interfere with the summer program.

Civic - Gail Rinehart

The garbage contract for 85/86 has been secured with Laxton Enterprises at a cost of \$34,000.

The two cherry trees on the Arden Green have been replaced, thanks to the efforts of Elizabeth Varley Walker.

The committee was unable to come to consensus on the Lot #80 path situation. Individual members may choose to make personal comments when the item comes up for discussion.

We will be taking our annual walk-around-town on Saturday, April 6. Please call me if you have some problem you would like us to check-out.

The town-wide large item clean-up has been scheduled for April 27. We will be getting notices out to the town. There will be some tighter controls instituted this year due to abuses last



year. The contract is with Laxton Enterprises for \$300 per load and will be conducted as in the past. Items will be picked up at the curb.

Bob Osborne will be starting our spring roads/greens clean-up this week.

Responding to the January Arden Page article on composting; this issue has been discussed periodically by the committee and although there is some real sympathy/support for the position, the committee has not been able to work around some of the more practical problems:

- 1) Location. The best location would be somewhere in the woods but this presents problems of: accessibility (if we leave the woods open we will find other problems starting to occur), coverage (an individual available to open the area as necessary, and weather conditions (the time of year in which we clean the roads is the worst time of year to allow cars and trucks into the woods. Our general policy is not to open the woods during muddy or wet times of the year.
- 2) Road debris is not clean. There is an unbelievable amount of trash, litter, gravel, etc. in the debris.

So far I have heard from only one resident interested in getting bagged leaves, but I noticed that many residents have private arrangements for composting. I would be happy to hear from anyone who has some ideas for workable solutions.

#### Community Planning - Cecelia Vore

The committee is gathering opinions on future improvements to Harvey Rd. Frank Akutowicz submitted some preliminary positions to the March Arden Page. We are waiting for reactions to his letter. We have contacted Richard Cherrin from Ardentown and Dorothy Zimmerman from Ardencroft and asked them to gather consensus opinions from the other two Ardens. When this has been done, we will present our findings to all three communities and then to State Representative Gwynne Smith.

The committee discussed the Baily/Thurston request to return the "campfire lane" to lot #80. We also inspected drainage and erosion problems on the McCarthy and Hurlong leaseholds at the request of Mr. McCarthy. This problem has been referred to the Civic Committee, but Community Planning will be prepared to offer advice and assistance.

The annual clean-up of the Arden Woods is scheduled for Saturday, April 20. Once again, the committee will be inspecting the woods and targeting problem areas, especially where the woods and leaseholds meet. Our next meeting, Tuesday, April 9 at the BWVC, will be mainly devoted to organizing the woods clean-up.

As Bill Press reported at the January Town Meeting, Nicholas Baldini, the developer, has requested a change in zoning that would allow him to build perhaps 300 townhouses on the former YMCA property adjoining Ardencroft. This will be discussed under new business tonight, but we want to report that the Community Planning Committee will be attending any meetings about the situation and will report to the town when appropriate.

#### Playground - Larry Walker

The required inspections of the playground equipment were performed and the necessary repairs made. All equipment is in good shape. In March, the basketball standard and backboard were



removed at the Sherwood Green. With the financial assistance of the Civic Committee, a new low-maintenance standard was installed. After the cement foundation has cured, the backboard will be installed.

The Playground Committee has assumed maintenance responsibility for all structures on the Greens including park benches, picnic tables, and flagpoles. The committee is concerned about the badly deteriorated condition of the cedar flagpole on the Village Green. While it has historical and sentimental value to the community, it presents a safety hazard in the judgement of the committee. The flagpole consists of two long sections of cedar trees joined in the middle with iron bands. The metal is badly rusted and the wood at those points is badly deteriorated. Expensive repairs could be made but the lack of use of the flagpole does not justify such a costly expense. We plan to remove the flagpole in April.

#### Registration - Report submitted by Virginia Shaw

There are 386 residents eligible to vote at the March, 1985 Town Assembly.

Bad weather and illnesses interrupted our plans for an open house during February or March. This should be an early priority for the committee being chosen tonight. The same factors prevented the Records Officer from completing her scheduled checking, which will be attended to soon.

Safety - Tom Colgan. No Report.

#### OLD BUSINESS

#### Campfire Lane Problem

##### Background summary:

- 1943 - Trustees made "campfire lane" part of lot #80 subject to payment of increased land rental.
- 1945 - Lot #80 increased to 30,240 square feet.
- 1948 - Survey shows lot #80 as 30,240 square feet including the 12 foot wide lane.
- 1982 - Civic Committee asked leaseholders, Frank and Lily Herzog, to stop parking on a public right-of-way (campfire lane).
- 1983 - Herzogs asked that the lane be deleted from their leasehold and the land rent reduced accordingly.
- 1983 - Trustees reduced lot #80 to 27,900 square feet and issued a new lease. The land was never legally transferred to the village.
- 1985 - William Bailey and Sally Thurston signed an agreement to purchase the Herzog house and asked the Trustees to restore the lane to the leasehold. The Trustees decided to leave a decision on that request to the March Town Assembly.

Moved that the Trustees be requested to preserve a 6 foot wide pedestrian path beside lot #80 and return 6 feet to lot #80.

##### Discussion:

The whole problem is based on the Civic Committee's misconception. This is a well used woods access. There is another access, the extension of Green Lane, but it needs work to make it



useable. We would like to keep use of the path for the town. Could we return the path to the leasehold and maintain an easement? Lily Herzog needs a definite decision on the matter in order to have a clear title so she can sell the house. The town should graciously admit we made a mistake in taking back the path.

Motion unanimously defeated.

Moved by Shaul Gladstone that this piece of land be returned to lot #80. The leaseholder should be advised that there has been a path there for many years and there may be a prescriptive easement there.

Discussion:

A prescriptive easement has no legal standing; it fogs the issue and makes the property unsaleable since the title is not clear.

Amendment proposed by Hugh Roberts: Strike everything in the motion after the first sentence. The motion would then read - This piece of land should be returned to lot #80.

Amendment passed: 29 aye, 17 nay.

Motion passed: 33 aye, 19 nay. The campfire lane will be returned to lot #80. Zona Lindsay, Lily Herzog's daughter, thanked the Town Assembly for their decision.

Ordinance #13 exemption appeal.

Jim Semenick applied to the Community Planning Committee for an exemption for his lot #52½ on the basis that this originally landlocked property has only a 10 foot wide access path from Millers Rd. The path is soggy and would have to be blacktopped, covering the sewer and water lines underneath. He would like to continue parking on the road at the wide intersection of Millers, Walnut, and Little Lane.

Community Planning Committee moved to table this appeal until the June Town Assembly so that the neighbors in the immediate vicinity could be informed of the appeal and express their opinions.

Motion to table passed - 26 aye, 23 nay. The appeal will be specifically included in the mailed June agenda.

Moved by Al Marks that the Safety Committee research how safe it is to put a hidden driveway into an intersection and report to the June Town Assembly. Motion passed.

#### NEW BUSINESS

Moved by Hugh Roberts that the Community Planning and Civic Committees be instructed to investigate the possibility of opening up access to the woods at the end of Green and Walnut Lanes and report to the June Assembly.

Motion passed.

Town house development is planned on the YMCA property on Harvey



Rd. The area is now zoned for single-family, half-acre plots.

Motion by Alton Dahl: The Community Planning Committee and Town Assembly Chairman are instructed to express the Town Assembly's displeasure with the proposed zoning change at all meetings and hearings. They are instructed to contact the zoning board, Councilman Richard Cecil, Developer Nicholas Baldini, the YMCA, and any other appropriate agencies and officials. The town should also support other community opposition to the rezoning.

#### Discussion:

Won't we sacrifice our credibility if we jump into opposition before careful study of the situation?

Community reaction to rezoning is an important factor. We are only opposed to the town house plan, we want to limit the development to something we can live with. Rezoning is in a preliminary stage and Arden should be involved in the ongoing process; the Community Planning Committee is the appropriate committee to handle this.

#### Motion passed.

It was reported that Ardencroft and Windybush have each set aside \$2,000 for possible legal funds to fight the rezoning. Arden is not ready to take this step at this time.

Moved that the Trustees be asked to publish a land rent list at least once every three years.

#### Discussion:

Pro: Publishing the list provides useful information to committees and individuals. It shows the owner of each leasehold; we can see if anyone is acquiring too much property. It gives an in-depth picture of the tax structure, we can see the relative values of leaseholds.

Con: This list is an invasion of privacy. It costs about \$150 to print and distribute and is not worth the cost. The list quickly becomes obsolete. The information is available through Rae Gerstine.

Motion passed. The list will be published during the next fiscal year.

Moved by Alton Dahl: Due to an error in the 1985/86 budget passed by referendum, the town secretary's salary was cut from \$2,600 (the 1984/85 budget figure) to \$2,500. In order to correct this oversight, I move that the secretary be paid an additional \$100 from the contingency fund.

#### Motion passed.

### GOOD AND WELFARE

It was pointed out that the New Castle County Dog Ordinance described at the January meeting does apply to Arden. The mandatory fines for lack of restraint and control, no dog license, dog bites, and not confining a vicious animal are in effect here.



Town Watch: All three Ardens are now participating in this program. This means that Ardenites do not have to patrol as often and have a wider, more interesting area to cover. Why do we no longer identify the town watch patrol car? Town Watch feels it is more effective to use an unmarked car, that way troublemakers are never sure which car is patrolling. Please respond when asked to serve.

There have been four deaths in the village since the last Town Assembly: Mary Burslem, Clyde Starr, Alma Johnson, and Stanley Shames. The secretary was instructed to send sympathy cards to all the families.

#### ELECTION RESULTS

Audit: Alton Dahl, Convenor, Mary Irons, James Schwaber

Budget: Carl Falco, Convenor, Ronald Enie, Ruth Holcomb

Buzz Ware Village Center: Cy Liberman, Convenor, Aaron Hamburger, Connee McKinney

Civic: Gail Rinehart, Convenor, Leon Tanzer

Community Planning: Cecelia Vore, Convener, Frank Akutowicz, Beverly Barnett

Playground: Nancy Badnor, Convenor, Mary Ann Holcomb, Mary Brent Whipple

Registration: Patricia Press, Convenor, Ianier Colgan, Beatrice Jaffe, Virginia Shaw

Safety: Tim Colgan, Convenor, John Berk

Town Assembly Chairman: Willaim Press

Advisory Chairman: Alton Dahl

Town Assembly Secretary: Sarah Hamburger

Town Assembly Treasurer: Rae Gerstine

*Sarah Hamburger*